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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 18

PROTECTION OF MINORITIES

Mr. Bengoa, Ms. Chavez, Mrs. Daes, Mr. El-Hajje, Mr. Fan,
Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim,
Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limon Rojas,
Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills, Ms. Warzazi,
Mr. Yimer and Mr. Yokota: draft resolution

Prevention of discrimination and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned that the number of reported incidents attributable to racism, racial discrimination and xenophobia and related intolerance has increased,

Disturbed by the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Noting with great interest the valuable report submitted to the Commission on Human Rights at its fiftieth session by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo (E/CN.4/Sub.2/1994/66),

Recalling its resolution 1993/43 of 26 August 1993, in which it decided to consider at its forty-sixth session the follow-up to be given to the final report presented by Mr. Asbjørn Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4), including the feasibility and usefulness of the preparation of a comprehensive programme for the prevention of discrimination and protection of minorities, and entrusted Mr. Eide with the task of preparing a working paper containing suggestions for such a programme,

Noting Commission on Human Rights resolution 1994/22 of 1 March 1994 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having examined in great detail the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1), as well as the final report presented in 1993,

Convinced of the need to ensure equality and non-discrimination between all groups in society and to find peaceful and constructive solutions to minority situations in accordance with international law,

Taking note of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and convinced that its implementation, in conjunction with the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international instruments, provides the best guidance for such endeavours,

Reiterating that all groups should cooperate peacefully in the search for constructive accommodation of their respective concerns within the general framework of international human rights law and should abstain from any use of violence,

Emphasizing the need for systemwide cooperation within the United Nations to facilitate peaceful solutions to such situations,

Underlining the significant contributions which are made by the relevant treaty-monitoring bodies, in particular the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on the Rights of the Child, to this task,

Aware of the important contributions rendered by the High Commissioner for Human Rights,

Underlining the need for close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Expresses its profound appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for the working paper containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities (E/CN.4/Sub.2/1994/36 and Corr.1) as well as for his final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4);

2. Requests the Secretary-General to invite Governments and competent intergovernmental and non-governmental bodies to submit their comments on the recommendations contained in addendum 4 to the final report and to make the comments available at the forty-seventh session of the Sub-Commission;

3. Recommends that the final report be published in all the official languages of the United Nations and that it be given the widest possible circulation;

4. Endorses the proposals made in the working paper for the development by the Sub-Commission of a comprehensive programme to fulfil its dual mandate of prevention of discrimination and protection of minorities;

5. Decides that, beginning at its forty-sixth session, its agenda will include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers;

6. Recommends, as a first step, that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(a) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human Rights, on further measures for the protection of minorities in cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(c) Promote dialogue between minority groups in society and between those groups and Governments;

7. Recommends that the working group should consist of five members of the Sub-Commission and be open to representatives of minorities, regardless of whether they have consultative status with the Economic and Social Council, Governments, treaty-monitoring bodies, specialized agencies and other relevant intergovernmental bodies and non-governmental organizations;

8. Recommends also that the Commission, further to paragraph 12 of Commission resolution 1994/22 of 1 March 1994 and bearing in mind the importance and complexity of the question of the protection of minorities, request the assistance of Mr. Asbjørn Eide, who is an expert in the field of minorities, to prepare an analytical report on minority issues, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

9. Recommends further that the Centre for Human Rights be strengthened to enable it to provide adequate services to the working group and for the purpose of undertaking relevant studies, evaluation and action in this field;

10. Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

Taking note of resolution 1994/... of ... August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Endorses the recommendations

(a) That an inter-sessional working group of the Sub-Commission be established, consisting of five of its members, to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(i) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(ii) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human

Rights, on further measures for the protection of minorities in cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(iii) Promote dialogue between minority groups in society and between those groups and Governments;

(b) To request the assistance of Mr. Asbjørn Eide to prepare an analytical report on minority issues, as envisaged in Commission resolution 1994/22 of 1 March 1994, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

(c) That the Centre for Human Rights be strengthened to enable it to provide adequate services to the working group and for relevant studies, and for the purpose of undertaking relevant evaluation and action in this field;

(d) That the study by Mr. Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) be published in all the official languages of the United Nations and given the widest possible circulation;

2. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1995/... and of Sub-Commission resolution 1994/...,

Endorses the recommendations of the Sub-Commission and the Commission to:

(a) Establish an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(i) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(ii) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human Rights, on further measures for the protection of minorities in

cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(iii) Promote dialogue between minority groups in society and between those groups and Governments;

(b) Request the assistance of Mr. Asbjørn Eide to prepare an analytical report on minority issues, as envisaged in Commission resolution 1994/22 of 1 March 1994, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

(c) Strengthen the Centre for Human Rights to enable it to provide adequate services to the working group and for the purpose of undertaking relevant studies, evaluation and action required in this field;

(d) Publish the study by Mr. Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) in all the official languages of the United Nations and to give it the widest possible circulation.

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